



# ACTION Apartment Association, Inc.

## Re: ACTION Apartment Association New Bedbug Mandatory Disclosure Requirements



In 2016, a comprehensive bedbug statute was enacted. It involves comprehensive and complicated “DISCLOSURE” requirements “and protocols wherein Tenants and licensed pest control operators are required to not only cooperate with the “investigation,” but exchange and deliver pest control reports wherein it is determined that either in an Apartment Unit or common area there is “evidence” of infestation of bedbugs.

As suggested, bedbugs have six legs, flat bodies and are about 1/4 inch in length and can vary in color from red to brown to copper. Apparently, the average bedbug lives for approximately 10 months, and the female bedbugs lay one to five eggs per day. Usually they feed at night, and most persons are bitten in their sleep and do not realize they’re bitten. If you observe on the mattress, box spring, bed frames and linen, “small, reddish, brownish fecal spots,” you should immediately notify your Apartment Owner.

### Owners need to document the evidence of the infestation.

- Photograph the Tenant’s bites, the evidence on the mattresses, and any other evidence of the infestation.
- Promptly call a licensed pest control operator. A report will be made, and as a Housing Provider, you need to promptly provide a duplicate copy of the report to all Tenants within two days.
- The TWO DAY NOTIFICATION REQUIREMENT is important, urgent and essential.

### INSPECTION

Owners are not under a duty to inspect a dwelling unit or common area for bedbugs, IF the Owner has no notice of a suspected or actual bedbug incident or infestation. This legal requirement takes effect January 1, 2017.

### There are two essential and important Disclosure dates: July 1, 2017:

Owners shall provide to all “NEW TENANTS” a written document in **10-point font** containing “educational information about bedbugs; a simple procedure to report suspected infestation to the owner; and a protocol or statement that the tenant shall not only cooperate with the inspection, but will facilitate the detection and treatment.” Again, this is a “no fault” Statute.

**Owners need to be very careful.** There is specific “language” in this statute that prohibits and prevents Owners from initiating legal action against a Tenant who makes a complaint to a governmental agency or otherwise complies with this Statute. Be careful.

There are municipalities which have incredible, archaic penalties and sanctions for retaliating against a Tenant based upon Health and Safety Issues.

Effective January 1, 2018, an Owner must give a prescribed “educational” Notification to all Existing Tenants, which, again, provides general information about bedbugs, bedbug identification, behavior, importance of cooperation for prevention and treatment, and a mechanism for prompt, written reporting of suspected infestation to the Owner.

In conclusion, Responsible Housing Providers are fully aware of the complex and complicated new statutes pertaining to mold, pesticides, and now “Bedbug” disclosure requirements. Most Apartment Owners are Members of Apartment associations which should be evaluating the new disclosure requirements and preparing appropriate Documents and forms. Certainly, the ACTION Apartment Association, Santa Monica, will be agendizing this item with its LEGAL COMMITTEE. You may want to look at Civil Code Section 1954.603.

This Article was based upon information from the original Bedbug statute, material heretofore provided by CAA, and our friends at the Small Rental Unit Association, Berkeley, California.

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Michael Millman, Attorney • michaelmillman@gmail.com • (310) 477-1201

Michael Millman is a Mar Vista Trial Attorney. He represents injured parties. He has been a neighborhood activist for many years, advocating for “fair housing policies” for West Los Angeles and Santa Monica.